

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BURBRAN PIERRE, on behalf of himself and
others similarly situated,

Plaintiff,

v.

CITY OF NEW YORK, NEW YORK CITY
POLICE DEPARTMENT, TD BANK N.A.,
DUANE READE INC., B & H PHOTO VIDEO
PRO AUDIO LLC, BLOOMBERG L.P., WHOLE
FOODS MARKET GROUP, INC., TRIHOP 14TH
STREET LLC, and DOES NOS. 1-10,

Defendants.

Civil Action No.: 1:20-cv-05116(ALC)(VF)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#: _____
DATE FILED: 9/27/2022

**~~PROPOSED~~ ORDER GRANTING FINAL APPROVAL OF THE SETTLEMENT,
CLASS CERTIFICATION, AWARD OF ATTORNEYS' FEES AND EXPENSES, AND A
SERVICE AWARD**

On September 21, 2022, Plaintiff submitted to this Court Plaintiff's Unopposed Motion for Final Approval of the Settlement and Award of Attorneys' Fees and Costs ("Motion for Final Approval"). Defendant did not oppose Plaintiff's Motion for Final Approval.

The Court has considered Plaintiff's request for certification of the Rule 23 Class pursuant to the Federal Rule of Civil Procedure ("FRCP") 23(e) for settlement purposes (ECF No. 178), the Settlement Agreement and Release ("Settlement Agreement") (ECF No. 179-01), the Declaration of Innessa M. Huot ("Huot Decl.") (ECF No. 179) and all accompanying exhibits, the Declaration of Burbran Pierre (ECF No. 180), and the Declaration of Richard W. Simmons (ECF No. 181), all filed on September 21, 2022, and hereby finds and Orders as follows:

1. The Court finds that the settlement memorialized in the Settlement Agreement, filed with the Court, is fair, reasonable, and adequate, and meets all requirements for final approval.

On May 18, 2022, the Court granted Preliminary Approval of the Settlement and subsequently a Notice Packet was mailed to all Class Members providing them with an opportunity to become Authorized Claimants, object to the Settlement, or request exclusion from the Settlement. A Fairness Hearing was held on October 6, 2022, and no Class Member objected to the Settlement or requested exclusion from same.

2. The Court grants Plaintiffs' Motion for Final Approval (ECF No. 177-181).

3. Pursuant to FRCP 23, the Court certifies, for settlement purposes only, a Class consisting of all current and former New York City Police Officers, Sergeants, Lieutenants, and Detectives ("Officers") who provided services at any Whole Foods location in New York State at any time from July 3, 2014 through May 18, 2022 through the Paid Detail Program.

4. These Class Members meet all of the requirements for class certification under FRCP 23.

5. The Court appoints Plaintiff Burbran Pierre to represent the Class, finding that Plaintiff meets all the requirements for class certification under FRCP 23(a) and (b)(3).

6. Plaintiff undertook risks to serve his fellow Officers and he expended significant time and effort in the prosecution of the claims and securing the Settlement on behalf of the Class.

7. The Court finds that a service payment of \$5,000 to Plaintiff is reasonable.

8. The Court appoints Faruqi & Faruqi, LLP as Class Counsel, finding that they meet all the requirements under the FRCP 23(g).

9. Class Counsel did substantial work identifying, investigating, prosecuting, and settling Plaintiff's and the Class's claims. Class Counsel have substantial experience prosecuting and settling employment class actions, including wage and hour class actions, and are well-versed in wage and hour law and class action law. The work that Class Counsel has performed both in

litigating and settling this case demonstrates their skill and commitment to representing the Class's interests.

10. The Court grants Class Counsel's requested fees of \$61,666.67 and reimbursement of litigation expenses of \$3,950.15.

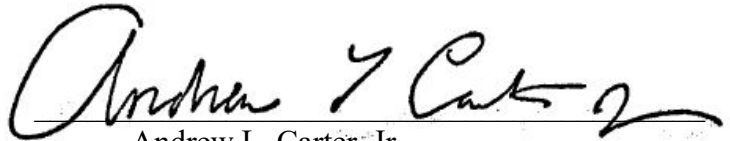
11. The Court approves the appointment of Analytics Consulting LLC as the Settlement Administrator and approves the Parties' agreement for Defendant to separately pay Analytics Consulting LLC its settlement administration fees.

12. Upon the Effective Date, as defined in the Settlement Agreement, the claims against Whole Foods as asserted in this Action will be dismissed with prejudice.

13. The Court retains continuing jurisdiction to enforce the terms of the Settlement Agreement.

IT IS SO ORDERED.

Dated: September 27, 2022


Andrew L. Carter, Jr.
U.S. District Judge